

R E M A R K S

This is in response to the Office Action that was mailed on February 13, 2003. The amendments to claim 20, as well as new claims 24-26 in their entirety, are based upon such disclosure as that appearing in the paragraph bridging pages 8-9 of the specification, the paragraph bridging pages 9-10 of the specification, page 17 of the specification, the paragraph bridging pages 19-20 of the specification, and former claim 13. New claim 27 is a product-by-process claim to replace former claim 13. No new matter is introduced by this Amendment. Entry of this Amendment in order to place the application into condition for allowance, or into better condition for appeal, is respectfully solicited. With this Amendment, claims 14 and 16-27 are in the application.

THE INVENTION. The present invention provides a powder composition that has excellent flowability owing to its lowered stickiness. The powder composition of this invention can contain functional food materials at high concentrations, thereby preventing the deterioration of the substances therein susceptible to undergo deterioration by light, heat, oxygen, or the like. Specification, page 3, lines 18-24. An important aspect of the present invention involves an operation of mixing delipidated egg yolk with water, and spray-drying the resulting mixture. The resulting delipidated egg yolk particles are porous. In accordance with this invention, a surprisingly large number of pores (having pore sized from about 0.1 to 10  $\mu\text{m}$ ) are formed on the surface of the delipidated egg yolk particles. Specification, page 8, lines 8-16. Another important feature of the present invention is provided by the step of drying the mixture of delipidated egg yolk particles and functional food materials under reduced pressure. In contrast to other drying approaches, this provides satisfactory impregnation of the functional food material into the pores at the

surfaces of the delipidated egg yolk particles. Specification, page 19, lines 7-15. Thus, one embodiment of the present invention includes a combination of processing steps that have been carefully selected to provide a product having properties that were not previously attained.

THE PRIOR ART. Claims 13-19 were rejected as being unpatentable over Mitsuya in view of Levin, Yano, Ueda, and Hamaguchi. Claims 20-23 were rejected as being unpatentable over Mitsuya in view of Ueda, Yano, Likuski, Broderick, Maloney, and Meusel. Claims 13, 15-17, and 19 were rejected as being unpatentable over Hamaguchi in view of Mitsuya, Yano, and Levin. Claims 14 and 18 were rejected as being unpatentable over Hamaguchi in view of Mitsuya, Yano, and Levin, and Ueda. The Office Action of February 13, 2003 did not elaborate on the rationale for these rejections -- instead the Examiner refers to the Office Action of June 20, 2002. Applicants' position on each of these rejections as previously stated is set forth in the Amendment that was filed on November 20, 2002.

The Examiner will recognize that the claims as amended herein recite features of the invention that Applicants have disclosed to be important. It is hoped that the Examiner will recognize that these features provide a superior product that is neither taught nor suggested by any combination of the prior art. Accordingly, withdrawal of the rejections of record is respectfully solicited. It is believed that the present amendments of the claims will be taken by the Examiner as placing the application into condition for allowance. If, however, the Examiner believes that one or more claims as amended encompasses subject matter taught or suggested by the prior art, the Examiner is

respectfully requested to detail his reasons for that belief in a newly stated rejection (rather than by reference to a previously stated rejection).

**Conclusion**

A full and complete response has been made to the outstanding Office Action. Accordingly, the Examiner is respectfully requested to pass the application to Issue.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (3) month to June 13, 2003, in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

If there are any matters requiring discussion remaining in this application, the Examiner is invited to contact Mr. Richard Gallagher, Registration No. 28,781 at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Serial No. 09/423,085  
Docket No. 1422-401P

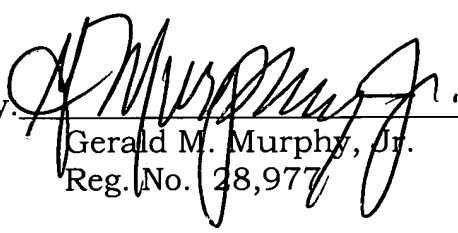
---

Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By.

  
Gerald M. Murphy, Jr.  
Reg. No. 28,977

GMM/RG  


P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

***Marked up claims showing amendments:***

14. (amended) The powder composition according to claim 27, [13,] wherein the average particle size of the food-impregnated particles is from 1 to 100  $\mu\text{m}$ .

16. (amended) The powder composition according to claim 27, [13,] wherein the functional food material is [a substance having an undesirable flavor, or] a substance susceptible to deterioration by light, heat, or oxygen.

17. (amended) The powder composition of claim 27, [13,] wherein the lipid content of the delipidated egg yolk is 10% by weight or less of the solid ingredients of the delipidated egg yolk.

18. (twice amended) The powder composition of claim 27, [13,] wherein said spray-dried, porous delipidated egg yolk particles have pores ranging in size from 0.1 to 10  $\mu\text{m}$ .

19. (amended) A food comprising the powder composition according to any one of claims [13] 14, 16 to 18, or 27.

20. (amended) A method for preparing a powder composition, which method comprises the steps of: [the powder composition of claim 13 characterized by:]

mixing 100 parts by weight of a delipidated egg yolk with 10 to 1000 parts by weight of water,

spray-drying the resulting mixture at 50 to 200 °C to prepare porous, delipidated egg yolk particles having pores on surfaces thereof,

mixing the resulting delipidated egg yolk particles with a functional food material, which functional food material is selected from the group consisting of substances that have undesirable flavor and substances that are susceptible to deterioration, to provide a mixture containing the functional food material and the delipidated egg yolk particles, and

drying the resulting mixture to a water content of 10 weight-% or less under reduced pressure.